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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
CHAVIS, JOHN Q	

ART UNIT	PAPER NUMBER
2193	

NOTIFICATION DATE	DELIVERY MODE
03/30/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	09/466,275	PARTHASARATHY ET AL.	
	Examiner	Art Unit	
	John Chavis	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 December 1999* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-8, 11-18, 21-26, 29-34, and 37-38, and 39-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Fowlow et al. (5,991,535). The applicant claims a method and system for visually creating a graphical program. The features of the applicant's claims are now presented in a side by side manner with the teachings of Fowlow. The previous action is hereby repeated with specific comments to the applicant's arguments specified in **bold** lettering.

Claims	Fowlow
1. A computer implemented	See the title and the abstract of the

method for creating a graphical data flow program, wherein the graphical data flow program is operable to invoke a method of an object,

invention.

wherein the method for creating the graphical data flow program operates in a computer including a display

See the functional part of fig. 1 in view of fig. 2.

The applicant claims that this feature of dataflow does not exist in Fowlow' s system; however, dataflow is merely the flow of data throughout a system. Figure 4 is considered to further indicate such a feature. Furthermore, col. 2 lines 47-52 specifies the interrelationships among objects, which is considered to further represent the feature. Also, Fowlow provides for links between objects to define relationships among the parts (i.e. defining flow), see col. 3 lines 30-59. Furthermore, the applicant should note that designed or constructed program instructions inherently provides for data flow from one instruction to the next to enable the program to execute properly and to completion (see col. 5 line-col. 6 line 4) to create new implementations for objects (see col. 6

lines 32-37). Note also that the plugs and sockets further emphasize the data flow in Fowlow's system for example see his passing of object references to other objects and services that are available for request, col. 11 lines 1-15. Furthermore, Fowlow's claim 25 provides for the graphical function. The applicant should also note that a node is merely a junction of some type and Fowlow's linking of objects is also considered to provide for this feature. Fowlow's linking provides for configuring (construction) and/or invoking (see the selecting feature in claim 26 and the implementation feature in claim 16). The applicant further indicate that Fowlow does not provide for displaying dataflow; however, see col. 11 lines 15-22 in which icons (nodes) are connected (illustrating program flow) via interactive tools (i.e. visually displaying selections).

Therefore each of the applicant' s claimed features are considered taught via Fowlow and the rejection remains.

and a user input device,

See again fig. 2.

the method for creating the graphical data flow program comprising:	See again the abstract.
displaying on the screen a node in the graphical data flow program in response to user input,	See the icons in col. 3 lines 41-59.
wherein the node is operable to invoke a method of an object;	See in the location above the making of a selection **action** on one of the icons.
configuring the node to receive information on the object in response to user input,	Note also the defining (configuring) a connection between a plug (output) and a socket (input), col. 4 lines 50-53.
wherein said configuring comprises connecting the information on the object to an input of the node;	This is inherent in the cited portions of the configuring function above.
wherein, during execution of the graphical data flow program, the node is operable to invoke the method of the object.	See col. 3 lines 35-41 and col. 4 lines 51-56.
2. The computer implemented method of claim 1, wherein the node includes an object	See again the configuring function in claim 1.

reference input for receiving a reference to the object;	
wherein said configuring comprises connecting said object reference input of the node to receive the reference to the object;	See col. 6 lines 32-37.
wherein the node receives the information on the object on the object reference input during execution of the graphical data flow program.	See col. 6 lines 43-56.
3. The computer implemented method of claim 2, wherein said configuring comprises: displaying on the screen an object reference node which includes an object reference output that provides the reference to the object; and	See col. 10 lines 53-62.
connecting the object reference output of the object reference node to the object reference input of the node.	See the last two lines of the abstract.

4. The computer implemented method of claim 3, further comprising: executing the graphical data flow program, wherein said executing includes propagating the reference to the object from the object reference output of the object reference node to the object reference input of the node	See col. 2 line 53-3 line 3 and col. 3 lines 25-41. Also, see col. 11 lines 1-27.
5. The computer implemented method of claim 1, further comprising: executing the graphical data flow program, wherein said executing includes propagating the information on the object to the node.	See the rejection of claim 4.
6. The computer implemented method of claim 1, wherein the object is comprised in a server, wherein said configuring comprises: displaying on the screen a list of libraries associated with one or more servers;	See again col. 11 lines 1-27, the passing feature indicates that the reference information is being retrieved from an external location. Col. 6 lines 16-37 indicate that information is retrieved via an ORB, from a server in a distributed environment (one or more servers).

selecting a library from the list of libraries in response to user input displaying on the screen a list of possible classes from the selected library;	See the catalog (library) in the cited portion of col. 6 above. The preexisting objects (col. 10 lines 53-62) and the boilerplate code (classes) providing a framework (col. 11 lines 29-62) to enable features to be inherited (col. 12 lines 2-13) from possible classes.
selecting a class from the list of possible classes in response to user input;	See col. 16 lines 4-13, which indicates that a new object is created (instantiated) with new features.
wherein the object is instantiated from the class.	" " " " "
7. The computer implemented method of claim 1, further comprising: constructing execution instructions in response to the graphical data flow program, wherein the execution instructions are executable to invoke the method of the object;	see col. 16 lines 9-16 and lines 20-26.
and executing said execution instructions, wherein the node invokes the method of the object during said executing.	See again the abstract.

8. The computer implemented method of claim 7, wherein said executing includes propagating the information on the object to the node.	See again col. 11 lines 1-27.

Claims 11-18 are rejected as claims 1-8 above. The invoking of a property is equivalent to invoking a method in an object oriented environment since they coexist inside the object, col. 1 lines 40-59. See also col. 4 lines 13-29. Also, get/set features are considered inherent to configuring objects to communicate with other objects.

The features of claims 21-24 and 29-32 are taught via claims 1-4 with the memory medium inherent to enable access to preexisting code and data, as indicated above.

As per claims 25-26 and 33-34, see the rejection of claims 7-8 in view of the rejection of claim 21.

In reference to claims 37-38, see the rejection of claims 1-2 in view of claim 21.

Claims 39-45 are rejected as claims 1-3, 6-7, 2 and 6, respectively.

The features of claims 46-49 are taught via claims 1-3 and 6, respectively.

As per claims 50-53, see the rejection of claims 42-45.

In reference to claims 54-57, see the rejection of claims 1-3 and 6.

The features of getting and setting properties in claims 58, 66 is

considered a part of the configuring feature in claim 54 and therefore the claim is rejected as claim 54.

As per claims 59-60, see the rejection of claims 44-45.

Claim 61, 69 and 76 is rejected as claim 1.

In reference to claims 62-64, see claims 40-42.

The features of claim 65 are taught via claim 42.

As per claims 67-68, see claims 52-53.

Claim 70 is rejected as claim 40.

The features of claim 71 are taught via claim 45.

In reference to claims 72-73 and 74-75, see claims 42-44.

As per claims 77-78, see claims 47 and 49.

Claims 79-80 are taught via claim 42.

The features of claims 81-82 are taught via claims 43-44.

The patent to Chow (6,038,395), although not specifically cited is considered pertinent to the applicant's disclosure.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9-10, 19-20, 27-28 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fowlow as applied to claim 1 above, and further in view of Meyer (5,940,296).

Claims	Fowlow/Meyer
9. The computer implemented method of claim 1, wherein the graphical data flow program is operable to invoke the method of the object for performing instrumentation functions on an instrument.	In reference to the instrumentation function, Fowlow does not teach or suggest the feature. However, Meyer teach the feature in a system for interactively developing a graphical control flow structure in a machine vision system, without the user having to write code to control the devices of fig. 2, see the title and the abstract. Meyer teach that this type of development environment simplifies the creation of programs by reducing the possible syntax errors that could occur. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Fowlow with the teachings of Meyer for the same reasons, see col. 4 lines 7-22. **The applicant further indicate that Meyer does not teach dataflow; however, as indicated above the feature is considered taught by Fowlow. Furthermore, Meyer includes a control sequence having a plurality of " nodes" and " transitions" (dataflow) in which selections (i.e. displayed selections) are made via commands**

	from the user (user selections) utilizing links or flow lines (i.e. data flow lines), see Meyer's abstract. Therefore, Meyer and Fowlow are considered to teach the applicant' s graphical dataflow feature and the rejection remains, see col. 2 lines 3-6, col. 3 lines 7-14 and lines 25-28.
10. The computer implemented method of claim 1, wherein the graphical data flow program includes a block diagram and a front panel, wherein the block diagram includes the node.	The block diagram feature is a part of both systems; however, Fowlow does not teach or suggest the front panel feature; however, the feature is considered a part of the Instrumentation system. Therefore, this claim is rejected as claim 9 above.

Claims 19-20, 27-28 and 35-36 are rejected as claims 9-10, respectively.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Chavis whose telephone number is 571-272-3720. The examiner can normally be reached on 9:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis Bullock can be reached on 571-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Chavis/

Primary Examiner, Art Unit 2193